

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 10/524,366  
Applicant(s): MEYER, Jürgen et al.  
Filed: February 11, 2005  
TC/A.U. 1755  
Examiner: Patricia L. Hailey  
Title: Silicas

Confirmation No.: 9856

Docket No.: 032301.411  
Customer No.: 25461

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

DECLARATION UNDER 37 C.F.R. 1.132

The undersigned having been duly advised of the nature and purpose of this Declaration hereby declares and states as follows:

My C.V. is attached hereto and summarizes my educational background and relevant employment history;

I know from having read the claims, that the claims in the above-identified United States patent application are directed to certain structurally modified, pyrogenically produced silica products that have been invented by employees of DEGUSSA GmbH of Düsseldorf, Germany;

I understand that the examiner has criticized the claims in this application for not defining what is meant by the term "structurally modified".

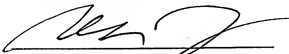
As a person having at least ordinary skill in the field of silica technology, I know what the term "structurally modified" means and, further, I know that persons skilled in this technology would also know what is meant by this term. Further, I am of the opinion that it is not necessary to provide additional information in the claims of a patent in order to define what is meant by this term.

As evidence of the knowledge of persons skilled in the art, I make reference to the United States patent of *Nargiello, et al.*, U.S. 6,193,795. This patent discusses the terms "structure", "low structure" and "destructured silica". The patent refers to the well known Kirk-Othmer Encyclopedia of Chemical Technology which contains a section on the structure of fillers.

Nargiello and her co-inventors explain in this patent that silicas can be structurally modified by subjecting the silica to dry milling. Therefore, in my opinion, the term "structurally modified" would be well understood by persons involved with silica technology.

X I, Dr. Jürgen Mayer, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

X May, 31st, 2007  
Date

X   
Dr. Jürgen Mayer  
Name